

**To:** Maier, Brent[Maier.Brent@epa.gov]  
**From:** Small, Jeff  
**Sent:** Fri 8/14/2015 3:50:16 AM  
**Subject:** Re: Inquiry on Gold King Mine EPA Claims Issue in Press

Thanks Brent. Very helpful.

Sent from my iPhone

On Aug 13, 2015, at 6:03 PM, Maier, Brent <[Maier.Brent@epa.gov](mailto:Maier.Brent@epa.gov)> wrote:

Jeff –

Thanks for this inquiry and glad you were able to raise it on today's daily call with Congressional staff and other elected officials which I listened in on today. In response to the EPA claims issue in the press and links you provided, I wanted to send along the following EPA statement we are sending out on this issue:

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EPA is not offering immediate reimbursements for damages from the Gold King Mine water and it is not true that if someone submits a claim that by doing so they limit or waive future rights.

EPA's Federal Tort Claims Act (FTCA) regulation provides that a person may amend their claim form at any time prior to reaching a settlement with EPA, or before the person files a lawsuit under the FTCA. Additionally, a person claiming an injury or damage has two years from the date of the event to file a claim with EPA under the FTCA. (40 CFR Part 10).

While EPA has made Form 95 available for filing a claim, EPA has also noted on the Region 8 website that:

**"Standard Form 95 is not required to present a claim under the FTCA, but it is a convenient format for supplying the information necessary to bring an FTCA claim. Please note that a completed form must state a claim for money**

damages in a “sum certain” amount (that is, a specific amount) claimed for personal injury, death, or injury to or loss of property.”

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If any new information on this issue becomes available, I will be sure to send you way.

Regards,

Brent Maier

Congressional Liaison

U.S. Environmental Protection Agency, Region IX

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**From:** Small, Jeff [<mailto:Jeff.Small@mail.house.gov>]

**Sent:** Thursday, August 13, 2015 11:44 AM

**To:** Maier, Brent

**Subject:** RE: U.S. EPA - EPA Administrator Gina McCarthy Holding Media Availability in Farmington, NM and Statement on Colorado data from Gold King Mine Release

Hey Brent,

Good talking to you.

The Congressman would like a response to this claim if possible as we are now getting press inquiries:

“The U.S. Environmental Protection Agency is offering immediate reimbursements for damages from the Gold King Mine water contamination in exchange for waiving rights for future claims.”

<http://www.navajo-nsn.gov/News%20Releases/OPVP/2015/aug/Operation%20To%20Litso.pdf>

There is already a quote from Chairman Bishop on this matter in this Washington Times Article.

<http://www.washingtontimes.com/news/2015/aug/12/indians-say-epa-trying-swindle-them-mine-spill/>

Here's another article I found:

<http://www.hngn.com/articles/118861/20150812/navajo-nation-epa-trying-cheat-over-mine-spill-plans-sue.htm>

Our press guy also just informed me when I got off the phone that we now also have an inquiry from a reporter asking for a comment from the Congressman.

Obviously, we would like to have the facts before responding to the reporter.

Please let me know as soon as you can what the facts are if you would.

Thanks again for taking my call.

Sincerely,

**Jeff Small**

Legislative Director

Congressman Paul A. Gosar, D.D.S.

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